

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID L. BELMONTE,

Plaintiff,

v.

KING COUNTY et al.,

Defendants.

CASE NO. 2:24-cv-01765-LK

ORDER ADOPTING REPORT
AND RECOMMENDATION

On October 23, 2024, Plaintiff David L. Belmonte (who is also known as Dameas Shiruk Duranzan and is proceeding *pro se*) initiated this action against Defendants, asserting various violations of the United States and Washington constitutions. Dkt. No. 1 at 1–2. On October 30, 2024, the Clerk sent Mr. Belmonte a Notice of Filing Deficiency, which noted that Mr. Belmonte did not pay the filing fee or seek leave to proceed *in forma pauperis* (“IFP”), and also did not provide a certified copy of his prison trust account statement. Dkt. No. 2 at 1. The Clerk cautioned Mr. Belmonte that failure to address these deficiencies “may affect the status of [his] case, including dismissal of the action by the Court.” *Id.* This notice was sent to Mr. Belmonte’s address on file at the King County Correctional Facility in Seattle, WA. *Id.* It was not returned as

1 undeliverable.

2 On December 11, 2024, United States Magistrate Judge David W. Christel issued a Report
3 and Recommendation (“R&R”) in this matter, recommending that the Court dismiss this action
4 without prejudice because Mr. Belmonte failed to address his filing deficiencies or otherwise
5 respond to the Notice of Filing Deficiency. Dkt. No. 4 at 1–2. The Clerk sent a copy of the R&R
6 to Mr. Belmonte at the King County Correctional Facility. Dkt. No. 5 at 1. This mail was returned
7 as undeliverable and “unable to forward” on December 17, 2024. *Id.* Mr. Belmonte therefore
8 appears to not have had any meaningful opportunity to raise objections to the R&R.

9 However, based on an independent review of the record, the Court nonetheless concurs
10 with Judge Christel that dismissal without prejudice is warranted because Mr. Belmonte has failed
11 to address his filing deficiencies or otherwise respond to the Notice of Filing Deficiency. 28 U.S.C.
12 § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*, 474 U.S. 140, 150–52 (1985); *see also*
13 *Keno v. Arizona*, No. CV-16-00721-TUC-JGZ, 2018 WL 2387944, at *1 (D. Ariz. May 25, 2018)
14 (adopting report and recommendation after an independent review of the record despite
15 petitioner’s failure to provide an updated address).

16 Accordingly, the Court ORDERS the following:

- 17 (1) The Court ADOPTS the R&R, Dkt. No. 4.
- 18 (2) This case is dismissed without prejudice for failure to pay the filing fee or seek
19 leave to proceed IFP.
- 20 (3) The Clerk is directed to send copies of this Order to Mr. Belmonte at his last known
21 address and to the Honorable David W. Christel.

22 Dated this 2nd day of January, 2025.

23 

24 Lauren King
United States District Judge